



# City of Carmel

## CARMEL PLAN COMMISSION

**February 17, 2004**

The regularly scheduled meeting of the Carmel Plan Commission convened at 7:00 PM on February 17, 2004 in the Council Chambers of City Hall.

Members present: Stephanie Blackman; Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney; Dianna Knoll; Mark Rattermann; Rick Ripma; Stephen Stromquist; Madeleine Torres; and Susan Westermeier, thereby establishing a quorum.

Mike Hollibaugh, Director, Jon Dobosiewicz, and Angie Butler attended the Commission meeting on behalf of the Department of Community Services. John Molitor, legal counsel, was also present.

The minutes of the previous meeting were approved as submitted.

Legal Report, John Molitor. John said he had been monitoring action at the Indiana General Assembly to see if there is anything that might affect the functions of the Plan Commission. A complete report will be rendered next month when the legislative session is over.

Department Announcements, Jon Dobosiewicz. Jon referred to a pamphlet that was distributed to the Commission members this evening that show different ideas and concepts of how other communities have addressed building/construction within context and sense of design.

Item 3h., Dunkerly Property Rezone, has been requested for Tabling by the petitioner until the March meeting; item 5h is requested for Tabling until March, and Item 7h has been Withdrawn.

St. Christopher's Episcopal Church appeared before the Commission last November with a rezone request. The request was recommended for approval to the City Council and the petitioner failed to act in a timely manner. The Plan Commission is being asked to re-certify their recommendation so as to allow the Council 90 days to take action.

Jerry Chomanczuk made formal motion to recommend approval to the City Council of **Docket No. 140-03 Z, St. Christopher's Episcopal Church**, 1440 West Main Street, from an S-2 Residence zone to OM-SU, Old Meridian, Special Use District, seconded by Wayne Haney and **APPROVED** 11-0.

### **H. Public Hearings:**

#### **1h. Docket No. 195-03 PP (#03120011): Schaffer Subdivision (*WAIVERS ONLY*)**

The applicant seeks to plat a 54-lot subdivision on 41 acres +/- . The applicant also seeks the following subdivision waivers:

**195-03a SW** (#04010008) SCO 6.3.15      street curvature

**195-03b SW** (#04010009) SCO 6.4.1      block length

The site is located at the northwest corner 131st St/West Rd. The site is zoned S-1/Residence-Estate. Filed by Jeff Douglass of Insight Engineering for Pittman Partners.

Steve Pittman, Pittman Partners, Carmel, Indiana appeared before the Commission representing the applicant. The proposed development will be named Bellewood.

There are two subdivision waivers required—street curvature and the block length. The Primary Plat remains at Subdivision Committee for review. The public hearing was left open for public comments on the Subdivision Waivers. The block length exceeds the Subdivision Regulations of 1500 feet. This particular subdivision has two points of ingress/egress for emergency vehicles. Also, the street curvature will provide more interest rather than a straight road with a “runway” effect.

The layout has been revised to accommodate Mr. Michael Haffey, a neighbor to the north, by creating common area to act as a buffer. Mounding and pine trees are also being provided that will act as addition screening. Mr. Pittman stated that at one point, he had even offered to sell the entire property to Mr. Haffey so that it would not be developed; Mr. Pittman also offered to sell Mr. Haffey the first few lots for additional buffer.

In addition to meeting with Mr. Haffey, Steve Pittman met with Mr. Haffey’s neighbors, Mr. & Mrs. James, and Mr. & Mrs. Schambeck—they all have extremely beautiful homes on large wooded tracts. The neighbors’ biggest concern that the woods be an attractive nuisance for kids and the children would trespass. Mr. Pittman agreed to run a woven-wire farm fence along the tree line (in the woods) and also buffer the back of the lots with three pine trees per lot.

The only other change to the plan is that the entry-boulevard will run through rather than loop—this change created 4 additional corner lots. A frontage road will be in place with lots on only one side of the street; the minimum width required is 16 feet, Mr. Pittman has agreed to a road width of 22 feet, back-of-curb to back-of-curb.

Mr. Pittman said he had also worked with Ms. Finley Greer, one of the neighbors, and will meet her needs by mounding and landscaping at the corner.

Members of the public were invited to speak in favor of the petition; the following appeared:

Michael Haffey, 13232 West Road, (property to the north) also a business owner in Hamilton County, said he appreciated Steve Pittman’s desire to work with the neighbors. Initially, there were 21 neighbors concerned with the development because of the density. The neighbors still oppose the density in western Clay Township, and thought the area was zoned S-1, one unit per acre. The Residential Open Space Ordinance development allows a more dense development. The neighbors will continue to work with Steve Pittman to develop written commitments and finalize the development.

Department Report, Jon Dobosiewicz. The Department is recommending that the waiver requests be forwarded to the Subdivision Committee and reviewed and discussed along with the Primary Plat.

Wayne Haney asked if the City would permit the “hammerhead” designs on the frontage road. Jon Dobosiewicz responded in the affirmative. There are specifications in the Subdivision Control Ordinance that address the design.

Jerry Chomanczuk asked if the waivers were still pertinent, in light of the revised plan. Jon Dobosiewicz was of the opinion that the waiver regarding street centerline radius would no longer be needed. The street to the north has been extended, however, the waiver is still required, even though the impact has been lessened and is more comfortable for the Department.

**Docket Nos. 195-03a SW and 195-03b SW Schaffer Subdivision**, were forwarded to the Subdivision Committee for further review on March 2, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

**2h. Docket No. 04010002 DP/ADLS - Mike's Express Carwash**

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The applicant seeks to construct a new carwash facility. The site is located at 1250 S Range Line Road. The site is zoned I-1/Industrial.  
Filed by Charlie Frankenberger of Nelson & Frankenberger.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Bill Daum, President of Mike's Car Wash, was in attendance along with Todd Bower, Engineer, Paul I. Cripe Engineering and Miles Lockner, landscape architect with Lawn Pride.

Jim Shinaver displayed an aerial photograph of the site located near the southwest corner of the intersection of Range Line Road and Carmel Drive. The site is the location of the Carmel Car Wash and contains an automated car wash facility as well as two, self-service facilities.

Mike's Car Wash is desirous of purchasing the property, removing all existing buildings, including the pole sign, and constructing a new car wash and self-service facility.

There are two points of ingress/egress—one adjacent to Range Line Road, one adjacent to Carmel Drive. Again, as a part of the redevelopment of the site, the existing pole sign will be removed. The car wash facility would be located to the rear corner of the site and the new self-service facility would be adjacent to Carmel Drive.

Significant landscaping will be implemented around both buildings as well as the perimeter of the site. Mike's Car Wash is not seeking any variances in regard to the landscaping and the landscaping plan is currently under review by Scott Brewer, the City Urban Forester.

The building elevations show the automated car wash and self-serve facilities; each facility will be similar in design and building materials. Essentially, the building materials consist primarily of brick and glass. Photographs were displayed showing existing Mike's Car Wash buildings, however —no wall signs are being proposed.

Signage: Renderings of the proposed signage were submitted with informational materials. There will be a ground sign located adjacent to Range Line Road; a ground sign located adjacent to Carmel Drive, and two other signs that are "menu type" signs. One menu sign would be located on the approach to the automated car wash facility and would display pricing for various services that Mike's offers. The second menu sign is designed to advertise to Mike's customers the various coupon books for purchase. There are also two small "entrance" signs to the site, one adjacent to Range Line Road, one adjacent to Carmel Drive.

As indicated in the Department Report, Mike's is seeking certain variances through the BZA and will appear before them on March 22<sup>nd</sup> contingent upon completion of the ADLS process.

Lighting: The parking lot will contain pole lights with "shoebox," down-type lighting.

Members of the public were invited to speak in favor or opposition; no one appeared and the public hearing was closed.

Department Report, Jon Dobosiewicz. One of the outstanding issues is the architectural style of the building. The Committee should study how the car wash can fit in with the character and identity of the community as opposed to simply finding a place where they can construct the same design building that is seen everywhere else. Signage is still an issue and is on-going with the petitioner. The Department may look favorably upon a height limitation variance on Carmel Drive.

Leo Dierckman commented that he does not want to see "stuffed animals and clutter." Also, there doesn't really need to be signage on trash cans—it is pretty obvious.

Jerry Chomanczuk expressed a main concern as being traffic on Carmel Drive and Range Line Road attempting to enter/exit the Shell station between 4 and 5 PM—it is virtually impossible. This should be addressed at Committee.

Docket No. 04010002 DP/ADLS, Mike's Express Carwash was referred to the Special Study Committee for further review on March 2, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

**3h. Docket No. 04010001 Z; Dunkerly Property - Rezone**

The applicant seeks to rezone approximately 2.4 acres from R-1/Residence to B-2/Business (with restricted uses). The site is located at the northwest corner of Guilford Rd and 116th St.

Filed by Joseph Calderon of Ice Miller on behalf Mr. & Mrs. Dunkerly.

**TABLED**

**4h. Docket Nos. 04010006 PP Amend and 04010006 SP:  
Lassiter Place Subdivision**

The applicant seeks to add real estate to an existing plat of 2 lots. The site is located at the 1100 Block of N Rohrer Rd. The site is zoned R-1/Residence.

Filed by Bob Dominguez of Benchmark Land Services.

Bob Dominguez of Benchmark Land Services appeared before the Commission representing the applicant. The petitioner would like to modify a plat that was recorded in 1985 from a 2-lot subdivision to a 3-lot subdivision. The parcel being added is an adjoining property; there are three family members involved.

A letter of commitment has been sent to Jon Dobosiewicz at the Department of Community Services regarding the construction of a 5-foot sidewalk. At this time, the financial means are not available to construct the sidewalk; however, 18 months from the purchase date of one of the parcels, the sidewalk will be constructed.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Jon Dobosiewicz. Following public hearing and absent of any issues outstanding, the Department recommends suspending the Rules of Procedure to take final action this evening. The letter of commitment from the petitioner states 18 month is the deadline for the installation of the sidewalk—shorter time period between the sale of the lot and installation of the sidewalk. There are three structures already on these three parcels, one is proposed for sale. The Department recommends that within 90 days of the sale or transfer of title of the lot, or 18 months at maximum, the sidewalk will be installed.

Commission Member comments/questions.

Dan Dutcher asked if the sidewalk would be in front of all three homes—the response was in the positive.

Rick Ripma asked if there were 3 structures existing now—the response was in the affirmative. The center property, lot one, will be sold.

The petitioner was in attendance and addressed the Commission. In further explanation, Mr. Metzler said that Lot One and a part of Lot Three were actually one lot.

Jon Dobosiewicz clarified that the house to the north was not included within the subdivision; the lot in the center had the back yard of the house to the north. The objective was to transfer title to the back area in order to make all of the lots perpendicular to one another off the street; that could not be done because the house to the north was not part of the subdivision. To add real estate to a subdivision, you must go through the public process of amending the plat—this cannot be done administratively through a secondary plat. It is still three houses on three lots, but the property to the north is now included.

Jerry Chomanczuk mentioned the Shell Oil Transfer Station and asked whether or not Autumn Lakes Subdivision was notified.

Jon Dobosiewicz responded that the Department is aware of the Shell Transfer Station and all property owners within 660 feet or two parcels deep, whichever is less, were notified.

Dianna Knoll moved to suspend the Rules of Procedure, seconded by Jerry Chomanczuk and Approved 11-0.

Mark Rattermann moved to approve **Docket Nos. 04010006 PP Amend and 04010006 SP, Lassiter Place Subdivision, subject to** the installation of the sidewalk in front of all three homes within a maximum of 18 months from the date of sale or transfer of title of Lot One. The motion was seconded by Stephanie Blackman and **APPROVED 11-0.**

**5h. Docket No. 150-02b OA:  
Amendments to the Carmel/Clay Zoning Ordinance – Patch #4**

The petitioner seeks to add new provisions to and make several corrective amendments to the Zoning Ordinance.

Filed by the Department of Community Services.

**TABLED to the MARCH meeting**

**Note:** Items 6h and 8h were heard concurrently.

**6h. Docket No. 04010027 OA:  
Proposed Chapter 23F: Range Line Road /Carmel Drive Overlay Zone**

The petitioner seeks to add new provisions regarding development standards for properties along portions of Range Line Road and Carmel Drive to the Zoning Ordinance.

Filed by the Department of Community Services.

This Ordinance addresses properties along both Carmel Drive between Keystone Avenue and Gradle Drive. The properties extend to Old Meridian Street. Properties affected by this Ordinance are along Range Line Road, north to 116<sup>th</sup> Street, south to First Avenue, south of Main Street, along Range Line Road; and between Keystone Avenue and Gradle Drive on Carmel Drive.

A black-line copy of this Amendment will be available to the Committee before the next meeting.

Mike Hollibaugh, Director of Community Services, gave a brief overview of the affected areas between 116<sup>th</sup> Street, City Center Drive, and Main Street and Range Line Road. The general nature of the Ordinance is very similar in structure to the other Overlay Zones in effect today. The District Boundaries include the following: List of prohibited uses; building setbacks; building orientation; building height; building footprint; construction materials; and architectural design. Also included are general requirements for architectural design, landscaping, lighting, signage (ADLS) materials for architectural design, pedestrian traffic circulation, parking, including bicycle parking, dumpster enclosure—product material and refuse storage, Plan Commission approval, and a caveat that underlying zoning applies if not addressed in this Ordinance.

Consistent with the City Center, the Department would like to bring the buildings closer to the street and highlight the architectural detail as well as landscaping. The parking will be located to the rear of the building, thus emphasizing the street line and enhancing the public realm—street rights-of-way—and creating places for people within that realm.

Carmel Drive will have a slightly different character—buildings will be setback between 5 and 10 feet. In general, buildings are allowed to be closer at the sides as well. Access will still be looked at, main access will still be from either Carmel Drive or Range Line Road, but you will be passing the building and parking in the areas behind the buildings. Buildings will front on Carmel Drive and Range Line Road; principal buildings will be two floors of occupiable space to enhance the amount of investment on properties. The Department is trying to reduce or eliminate a lot of the franchise

architecture in the central business area and also increase either residential density or have mixed use buildings that have some retail and some office to improve the amount of business activity in the central business district.

Construction materials would be similar to the US 31 Corridor, the Michigan Road Corridor, and the Old Meridian District—all high quality brick/stone/masonry/glass and the Plan Commission will have an opportunity for ADLS review. However, the proposed Ordinance is a work-in-progress.

**7h. Docket No. 144-03 OA (#03090022): (WITHDRAWN)**

**~~Amend Section 25.11: Architectural Design Review~~**

~~The petitioner seeks to add new provisions regarding residential dwellings to the Zoning Ordinance.  
Filed by the Department of Community Services.~~

**8h. Docket No. 04020004 OA**

**Amend Sections 6.03.19, 6.03.24, and 6.03.25: Alley & Frontage Place**

The petitioner seeks to add amend sections of the Subdivision Control Ordinance regarding.  
Filed by the Department of Community Services

Mike Hollibaugh introduced the proposed amendments to the Alley & Frontage Place Ordinance. With the remaining land in the community, the City would like to get away from the not-so-pleasing look from the street that eliminates some of the privacy and also puts pressure on the City to make sure the back areas are maintained. A lot of the new neighborhoods incorporate a frontage-type lane and the homes front onto a drive that meet public street. All of the driveways are not entering onto the main drive, the front of the homes still face the street and creates a pleasant streetscape. The proposed Ordinance provides a more traditional sense of the front door facing the street, and the back yard, private area to the rear. As a part of the process for the original Frontage Place Ordinance, there was a compromise or option that allow for the homes to remain with the rear facing lots, however, it was separated by 50 feet of green space. The current proposal suggests that the minimum width would be at least 75 feet—the narrowest strip of open space noted in the Ordinance.

The goal is to make the Frontage Place Ordinance more consistent with the other regulations in place. Part of the review and discussion at Committee should be whether or not the possibility should be eliminated all together and require that all new Subdivisions have homes that either face the street or the side of the house to the street.

Jon Dobosiewicz offered the following additional comments on the Alley and Frontage Place Ordinance and Design Standards. Most of the changes to this Ordinance are clerical in nature and provide additional predictability for use of those types of mechanisms used by Developers. Along new Subdivisions, the Department would like to see either a dense area of buffering along existing public streets or the face of homes in the Subdivisions are seen rather than the rear of the homes. Most of the appeal design is how a house looks from the street.

Members of the public were invited to speak in favor or opposition to these petitions; no one appeared.

**Note: The Public Hearing will Remain Open on these two Ordinance Amendments.**

Dianna Knoll asked about sequence of events with the Ordinance Amendments and new proposals presented this evening. Will the new projects be bound by what is presented this evening if approved by the Commission?

Mike Hollibaugh responded that none of the proposed provisions would be enforced until actually adopted by the Council.

Jon Dobosiewicz commented that I-1 zoning requires Development Plan and ADLS approval by the Commission. The proposed standards would not apply, but those of the existing Ordinance would apply and there is some flexibility in those standards. The Plan Commission has the ability to ask for and mandate modifications that would still conform to the existing Ordinances.

Jon further stated that these standards apply to new construction and re-development. Design review through the Plan Commission is nothing new, but through the new standards, the Department is attempting to articulate the vision and build predictability.

**Docket No. 04010027 OA, Proposed Chapter 23F, Range Line Road/Carmel Drive Overlay Zone, and Docket No. 04020004 OA, Amend Sections 6.03.19, 6.03.24, and 6.03.25 Alley & Frontage Place** were forwarded to the Subdivision Committee for further review on March 2, 2004 at 7:00 PM in the Caucus Rooms of City Hall, Carmel, Indiana.

**I. Old Business:**

**1i. Docket No. 119-03 PP (#03080005) Freiburger-Mitchel Farms - Primary Plat**

The applicant seeks approval for a 3-lot subdivision.. The site is located at the southwest corner of 141st Street and Spring Mill Road. The site is zoned S-1 /Residence Very Low Intensity.  
Filed by Allan Weihe at Weihe Engineers on behalf of J.R. Freiburger.

Dave Barnes with Weihe Engineers, 10505 North College, appeared before the Commission representing the applicant. The public hearing on this petition was in January. The petitioner appeared at Subdivision Committee February 3, 2004 and received a 5-0 positive recommendation.

Stephanie Blackman, chairperson, reported for the Subdivision Committee. This petition was discussed thoroughly and "hammered out." There are no outstanding issues and the Committee voted a positive recommendation.

Department Report, Jon Dobosiewicz. The Department recommends favorable consideration of this request.

Jerry Chomanczuk moved for approval of **Docket No. 119-03 PP, (#03080005) Freiburger-Mitchel Farms Primary Plat**, seconded by Mark Rattermann and **APPROVED 11-0.**

**2i. Docket No. 164-03 DP/ADLS (#030100016);  
Tom Wood Subaru**

The applicant seeks to construct a new auto sales building. The site is located at 3230 E 96th Street. The site is zoned B-3/Business.  
Filed by Lawrence Lawhead of Barnes & Thornburg.

**Note:** Stephanie Blackman was Recused from this item.

Lawrence Lawhead, attorney with Barnes & Thornburg, offices at 8900 Keystone Crossing and 11 South Meridian Street, Indianapolis appeared before the Commission representing the applicant.

A new auto sales building is proposed for Tom Wood Subaru to replace an existing metal building. Mr. Wood has an existing facility next door, Tom Wood Volkswagen, and that has been moved farther away, and a portion of this particular facility is being moved next door. In effect, traffic congestion at this location is being addressed and the facility will be much more spread out.

As a separate petition, Tom Wood has filed with the BZA for certain developmental standards.

Tom Wood Subaru appeared at the Special Study Committee February 3<sup>rd</sup>. Several items were clarified and agreement reached. The ground sign in front of the building will have stone added at the base of the sign, not as a pedestal, but a firm foundation. The petitioner will continue to work with the Department if any additional materials are needed.

Jerry Chomanczuk, chairperson of the Special Study Committee, reported that the petitioner did a wonderful job in bringing to light many of the improvements along 96<sup>th</sup> Street. The petitioner has submitted commitments in letter form dealing with the walkway, right-of-way, signage, green area, EFIS; everything discussed by the Committee has been

addressed. The Committee voted a 4-0 positive recommendation.

Department Report, Jon Dobosiewicz. Favorable consideration is recommended at this time. The petitioner has made modifications to the ground sign in response to Department and Committee comments.

Note: It is recommended that on all future items, applicants will be asked to submit a written description of modifications and commitments to the full Commission, thereby alleviating the possibility of any misunderstanding and future negotiation.

Rick Ripma asked if a firm installation date could be established for the asphalt walkway rather than when property is developed on either side—it is open-ended.

Jon Dobosiewicz thought the petitioner would be willing to amend the commitments to provide for installation at the time the adjoining property owners install the walkway or at such time as the City requests installation of the asphalt walkway.

Lawrence Lawhead concurred with Jon's comments and offered no objection.

Jerry Chomanczuk moved for approval of **Docket No. 164-03 DP/ADLS (#030100016) Tom Wood Subaru** with the following conditions. Installation of the asphalt walkway pursuant to commitments tendered by the applicant or upon request of the City, and subject to variances by the Board of Zoning Appeals; seconded by Mark Rattermann, Motion **APPROVED** 10 in favor, 0 opposed, Stephanie Blackman recused.

**3i. Docket No. 188-03 PP (#03120002):  
Chateaux de Moulin - Primary Plat**

The applicant seeks to plat a 6-lot subdivision. The applicant also seeks the following subdivision waivers:

<b>188-03a SW</b> (#03120005)	SCO 6.3.7	cul-de-sac length
<b>188-03b SW</b> (#03120006)	SCO 6.3.20	private street
<b>188-03c SW</b> (#03120032)	SCO 6.3.3	stub street

The site is located west of 116th Street & Spring Mill Road. The site is zoned S-2.

Filed by Joseph Calderon of Ice Miller for Campbell Development 2, LLC.

Joe Calderon, attorney with Ice Miller, One American Square, Indianapolis appeared before the Commission representing the applicant. Lance Ferrell, Engineer was also in attendance.

The Subdivision Waivers were reviewed in depth at the Subdivision Committee on February 3, 2004. A private drive entry built to City specifications is being proposed. The property adjoiner to the west is a large, estate home; there is no development to the south or east, therefore, a waiver for the stub-street is felt to be appropriate. The cul-de-sac only serves six lots and will have sufficient turn-around for safety vehicles; therefore, the cul-de-sac length is being requested for waiver.

The petitioner has met with the adjoining property owners. The property to the south is undeveloped but does have a lake and the owner has expressed some concern. The adjoiner to the west, Mr. Goad, had asked that landscaping be enhanced to act as additional buffer and screening. The petitioner has entered into a written agreement with Mr. Goad and incorporated that agreement into a statement of covenants to provide additional landscaping on the west as well as a wrought-iron fence wrapping around the Chateaux de Moulin retention pond on the south. The covenants are attached to the Findings of Fact.

Stephanie Blackman, chairperson, reported for the Subdivision Committee. The Committee 3-2 to recommend approval; the only point of dissention was the private street issue. Ms. Blackman said her main concern is that more and more requests are being submitted for private streets and gates. Philosophically speaking, the gates set a pretentious, unwelcoming tone for the City of Carmel and are not something that is desirable. There are now guidelines to assist in



determining whether or not gates are appropriate. This current proposal is a typical Carmel community and it may be that soon, every subdivision will want a gate and this is not necessarily desirable for Carmel.

Rick Ripma disagreed with Ms. Blackman's comments and said he had counted at least 12 private gated drives along 116<sup>th</sup> Street between Springmill Road and Michigan Road. This particular subdivision is only 6, one-acre lots and is an exclusive neighborhood. There are no known large communities of \$150-175,000 homes doing this type of thing. Mr. Ripma said he was in favor of this proposal and had voted in favor at the Committee level.

Department Report, Jon Dobosiewicz. The Department is recommending favorable consideration on the waiver requests as well as the Primary Plat approval as forwarded by the Committee.

Dan Dutcher commented that he was the other dissenting vote on this proposal and his sole concern was the private street—gated community.

Jerry Chomanczuk said that this community would be within a few hundred yards of the Clarian Health complex. It is reasonable to have a gated community regarding that close proximity when taking into consideration the additional traffic.

Dianna Knoll commented that this particular gate is set back off the street to allow for turn-around and that if this were a single owner, there would be no say regarding a gate.

Dan Dutcher was complimentary of the Department for crafting standards of review criteria because additional requests will probably be seen.

Mark Rattermann moved for approval of **Docket Nos. 188-03a SW, 188-03b SW, 188-03c SW (#03120002) Chateaux de Moulin Subdivision Waivers**, seconded by Madeleine Torres and **APPROVED** 8 in favor, 3 opposed (Dierckman, Blackman, Dutcher.)

Mark Rattermann moved for approval of **Docket No. 188-03 PP (#03120002) Chateaux de Moulin Primary Plat**, seconded by Madeleine Torres and **APPROVED** 11-0.

**4i. Docket No. 189-03 PP (#03120003):  
Carlson Corner Subdivision**

The applicant seeks to plat a 4-lot subdivision. The site is located at the SE corner 141<sup>st</sup> St/Towne Rd. The site is zoned S-1/Residence-Estate.  
Filed by Craig Carlson of The 4 C Group.

Chris Badger, Badger Engineering, 117 West Elm Street, Lebanon appeared before the Commission representing the applicant. The petitioner would like to plat a 4-lot Subdivision at the southeast corner of 141<sup>st</sup> Street and Towne Road. At public hearing, concerns were expressed regarding access to the site; this was discussed at Subdivision Committee as well.

The petitioner will access three of the lots from a single drive from Towne Road, and one lot off of 141<sup>st</sup> Street. The single lot is Lot One. Each drive must be approved at the time a construction permit is filed.

There will be an access easement accessing the three lots, similar to what was presented earlier with the Frontage Road Ordinance Amendment. All concerns of the Subdivision Committee have been addressed at this time and there are no outstanding issues.

Stephanie Blackman, Chairperson, reported for the Subdivision Committee. All concerns have been addressed and this Docket was unanimously approved.

Department Report, Jon Dobosiewicz. The Primary Plat is recommended for approval.

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Stephanie Blackman moved for approval of **Docket No. 189-03 PP (#03120003) Carlson Corner** Subdivision, seconded by Dianna Knoll and **APPROVED** 11-0.

**5i. Docket No. 193-03 DP/ADLS (#03120009)  
Park Northwestern Lot 13A (Starbucks)**

The applicant seeks to construct a new commercial building. The site is located at the southwest corner of Michigan Rd & Northwestern Dr. The site is zoned I-1/Industrial within the US 421/Michigan Rd Overlay Zone.

Filed by Trent Newport of Crossroad Engineers.

Greg Eilko, Crossroad Engineers, 3417 South Sherman Drive, Beech Grove, appeared before the Commission on behalf of Trent Newport representing the applicant. The proposed Starbucks will be located at the southwest corner of Michigan Road and Northwestern Drive within Park Northwestern on Lot 13A.

The petitioner appeared before the Special Study Committee earlier this month and received a favorable recommendation.

Jerry Chomanczuk reported for the Special Study Committee. A point of issue was the traffic surrounding the building. The drive-thru was looked at as well as the logic of having a separate window for the Bank and one for Starbuck's and the signage. The Committee voted a positive recommendation of 4-0.

Department Report, Jon Dobosiewicz. Additional information was requested referencing Panhandle Eastern Pipeline easement. The requested information has now been received and at this time, Scott Brewer, Urban Forester, will allow a level of landscaping negotiated with the petitioner as well as Panhandle Eastern. The other two issues were variance approvals granted by the BZA in January—one in regard to lot size, the other in regard to provisional landscaping over the pipeline areas.

There are no additional approvals necessary and the petitioner can now move forward with building permits.

Jerry Chomanczuk moved for approval of **Docket No. 193-03 DP/ADLS (#03120009) Park Northwestern Lot 13A (Starbucks)** seconded by Madeleine Torres and **APPROVED** 11-0.

**6i. Docket No. 194-03 Z (#03120010)  
Miller Property - Rezone**

The applicant seeks to rezone 3 acres from S-1/Residence to B-5 (*as Amended*). The site is located at 11411 N Michigan Road.

Filed by David Warshauer, attorney, for Margaret M. Miller Living Trust.

**Note:** Stephanie Blackman and Rick Ripma were recused for this item.

David Warshauer, attorney, Barnes & Thornburg, 11 South Meridian Street, Indianapolis appeared before the Commission representing the applicant. Jerry Alexander of Century 21 Real Estate was also in attendance.

Initially, the applicant requested rezoning of the 3-acre site at 11411 N. Michigan Road from S-1/ Residence to B-3; the request was amended to B-5 zoning. The applicant also agreed to restrict some of the permitted uses within the B-5 District that residents of neighboring Woodhaven found objectionable. It was a good process in working with the neighbors, and Mr. Alexander is looking forward to being a good neighbor.

The applicant has filed for ADLS approval of the minimal, external improvements that will be made to this property. Mr. Alexander intends to keep the property "as is," and if recommended for rezone to the City Council, the ADLS will return for Plan Commission approval.

Special Study Committee, Jerry Chomanczuk. The Committee was initially concerned with the response of the local community, and compromises were accomplished by rezoning to B-5 rather than B-3 District. The B-5 zone narrowed the scope of acceptable uses. The petitioner worked very well with the local community and several good compromises were made. Mr. Alexander committed to keep the property in a residential/office nature. The vote was 4-0 positive recommendation.

Department Report, Jon Dobosiewicz. The Department is recommending a favorable recommendation be forwarded to the Council, subject to the recording of the commitments. If approved by City Council, the Department will likely see this development return as a DP/ADLS petition. Mr. Dobosiewicz thanked the petitioner for working with the neighbors. Through those discussions, it was determined that this parcel should not be subject to the design standards of the 421 Overlay; that will allow the Plan Commission to take final action on the request and not require a litany of variance requests from the BZA.

Mark Rattermann made formal motion to forward the **Miller Property Rezone, Docket No. 194-03 Z (03120010)** to the City Council with a positive recommendation for approval, subject to recorded commitments; seconded by Jerry Chomanczuk and **APPROVED** 9 in favor, none opposed, Blackman and Ripma recused.

**7i. Docket No. 196-03 PP Amend; (#03120012);  
Heather Knoll Subdivision**

The applicant is requesting approval of an amended Primary Plat to allow 79 lots on 39.587 acres +/-.

The site is located northwest of 141st St and Towne Rd. The site is zoned S-1/Residence - Very Low Intensity. The petitioner also seeks approval of the following Subdivision Waiver:

**196-03a SW (#03120013) SCO 7.1** subdivision base density

Filed by Dennis Olmstead of Stoeppelwerth & Assoc. for Pittman Partners.

Neal Smith, 13580 Ashbury Drive, Carmel, appeared before the Commission representing Pittman Partners. Primary Plat approval was received for 32.587 acres; additional 7 acres is being added to the plat and a request for subdivision waiver has been filed for base density.

The Subdivision Waiver is being requested as an incentive to allow the development of the collector road extension from 146<sup>th</sup> Street to 126<sup>th</sup> Street as recommended by the Department of Community Services.

The petitioner appeared before the Subdivision Committee on February 3, 2004; there are no outstanding issues. The Committee voted a positive recommendation of 5-0.

Stephanie Blackman, chairperson, reported for the Subdivision Committee. The petitioner has addressed all concerns at the Committee level and the vote was unanimous for a positive recommendation.

Department Report, Jon Dobosiewicz. One request is for the Primary Plat approval—the other is for the Subdivision Waiver. The additional density is allowed by virtue of the addition of a 7-acre parcel to the north side of this site to allow connectivity between Heather Knoll and 146<sup>th</sup> Street. There is a significant public benefit/public interest served in extending the collector roadway to 146<sup>th</sup> Street and with the additional acreage acquired by the petitioner, the roadway can be extended in order to further the goal of the Thoroughfare Plan. The Subdivision Waiver is necessary to offset the significant impact the proposed collector roadway has on the real estate being added to the Heather Knoll Subdivision. At this time, the Department is recommending approval of the Primary Plat and Subdivision Waiver as forwarded by the Committee.

Stephanie Blackman moved for approval of **Docket No. 196-03a SW, Subdivision Waiver for Heather Knoll Subdivision**, seconded by Dan Dutcher and **APPROVED** 9 in favor, 2 opposed (Wayne Haney and Mark Rattermann.)

Stephanie Blackman moved for approval of **Docket No. 196-03 PP Amend, Primary Plat Amendment for Heather Knoll Subdivision**, seconded by Dan Dutcher and **APPROVED** 10 in favor, one opposed (Mark Rattermann.)

**J. New Business:**

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**1j. Docket No. 198-03 ADLS (#03120015)  
Greyhound Commons, Phase II - ADLS**

The applicant seeks approval build a restaurant building. The site is located at the southwest corner of Greyhound Pass and E. 146th Street. The site is zoned PUD-Planned Unit Development. Filed by Paul Reis of Drewry Simmons Pitts & Vornehm for Kite Greyhound, LLC.

Paul Reis, 5013 Buckeye Court, Carmel, attorney with Drewry Simmons Pitts & Vornehm appeared before the Commission representing the applicant. Also in attendance was Eric Strickland of Kite Companies.

The proposed restaurant is located at the southEAST corner of 146<sup>th</sup> Street and US 31. The entire site was rezoned in 2000 as a Planned Unit Development. At that time, the applicant presented the actual plans for the Lowe's store plus conceptual plans for the development of the southern portion of the site or Phase II; those plans were approved.

This evening, the Development phases for the phase II area are being presented. Phase II is approximately 8.5 acres in size. The ADLS application for the construction and development of an Abuelo's restaurant on the Phase II portion is being presented this evening. Abuelo's is a Mexican Restaurant to be constructed on a portion of the Phase II area.

As additional projects are brought forth, those will be brought before the Plan Commission for ADLS approval. The site plan shows the site for Abuelo's and a general development plan for the entire southern portion with the possibility of three additional users.

The overall landscape plan has been developed for the entire Phase II area. As additional properties are submitted, more specificity will be provided as to foundation plantings. The landscape plan along the west boundary of the Phase II area has been developed. The Ordinance calls for a 30-foot greenbelt—the area has been expanded to almost 60 feet across the western boundary.

Additionally, the landscaping within the parking area has been broken-up with planting areas, and that is shown on the plan. The Ordinance also calls or a 6% of the total surface area that must be in planting areas—the proposed plans reflects an 8% planting area.

Regarding the south elevation and main entrance to the restaurant—consistent with the ordinance, the restaurant is allowed signage on the west facade and on the façade where the main entrance is located. Hence, the applicant is sowing signage in this particular façade. The PUD Ordinance that was adopted requires that all buildings have a minimum height of 30 feet. At the time the Ordinance was being drafted, the conceptual plans did not contemplate stand-alone restaurant facilities for the Phase II area. In fact, the proposed building that was shown was a very large, multi-tenant building. However, as the market has dictated, there is a demand for stand-alone, high-end, sit-down restaurants. The building proposed this evening is 27 feet, 9 inches, or 2 feet, 3 inches short of the requirement. The applicant has filed a variance request with the Board of Zoning Appeals to address the height of the building.

The drawings show the west elevation of the building, however, a lot of the western portion of the building (and parking area) will be screened by significant buffering. The east elevation faces the slip ramp coming off Keystone Avenue headed north to 146<sup>th</sup> Street—the same road that connects with Lowe's and Greyhound Pass.

The building incorporates three major building materials: the primary material will be brick; the trim will be stone and EFIS, and the windows will be aluminum frames with insulated glass. The photo-metric plan shows the illumination level from various lights constructed within the parking area The Ordinance sates that the light level adjacent to commercial areas cannot exceed point three foot candles.

The only abutting property that is commercial is the Lowe's store and it goes to zero as it progresses north. Along the east side is the road and the level goes to zero; along the west side it abuts the road and also goes down to zero. Hence, there is no light spillage in excess of the illumination requirements under the OUD Ordinance.

Two wall identification signs are being proposed: one on the south, one on the west. The wall sign on the west façade is proposed to be 89 square feet in sign area. The wall sign on the south façade is approximately 84 square feet in area. Variance requests have been filed with the Board of Zoning Appeals to permit the larger signs. The Ordinance requirement is 75 square feet on the west and 40 feet on the south. Additionally, the Ordinance requires that all letters are to be individual letters, internally illuminated, and white with white returns.

The petitioner is also requesting a variance from the BZA for a dark red color as shown on the building elevations. This will be discussed further at the Committee level.

Abuelo's will be one of the four tenants approved on the center identification ground sign.

Department Report, Jon Dobosiewicz. The Department has requested photographs of existing restaurants for review and discussion by the Committee. It is recommended that the Committee look at architectural compatibility on all four sides of the building. This site is highly visible from all four directions, north on Keystone, along 146<sup>th</sup> Street from the approved Clay Terrace property, south on 31, and also from the main entry that is to the east. The front door of the site is oriented to the south. The Department does have some concern with the wall sign size. The petitioner should provide the Committee with a rendering showing sign sizes on the building that comply with the ordinance standards in order to give the Committee an idea of scale and proportionality. The Department is requesting more detail on the Abuelo's sign. The Ordinance permits all white signage, but that decision is both the Committee's and the BZA to allow something different. The Department is recommending this item be sent to the Special Study Committee for further review.

Leo Dierckman commented that a key will be the quality of the building and the way it look as one travels north on Keystone (431.) The Plan Commission went to a great extent from the quality of building standpoint on the Lowe's store, and we would like to make sure that it carries through on the balance of the property.

Jerry Chomanczuk asked if there were any drainage or flood plain issues due to the proximity of Cool Creek. Jerry referred to EFIS spheres on the building and room for statuary at the top—who or what will be the statuary?

Paul Reis responded that this particular site was very heavily engineered at the time Lowe's went in because of the construction of the bridge over US 31 and 146<sup>th</sup> Street and Cool Creek. There is a meandering stream that goes along the western boundary that is part of the storm water drainage system. Mr. Reis said he would get details of the statuary and have it available at Committee.

Docket No. 198-03 ADLS (#03120015) Greyhound Commons Phase II ADLS was referred to the Special Study Committee for further review on March 2, 2004 at 7:00 PM in the Caucus Rooms of City Hall.

There being no further business to come before the Commission, the meeting was adjourned at 9:00 PM.

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Leo Dierckman, President

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Ramona Hancock, Secretary